

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

RIGGS DRUG COMPANY, INC.,)
)
Plaintiff,)
)
v.) No.: 3:09-CV-538
) (VARLAN/SHIRLEY)
AMERISOURCEBERGEN)
DRUG CORPORATION,)
)
Defendant.)

ORDER

This civil action is before the Court on defendant Amerisourcebergen Drug Corporation's Motion to Dismiss the Complaint [Doc. 5] and Renewed Motion to Dismiss the Amended and Restated Complaint [Doc. 23]. Plaintiff has filed a response to both motions to dismiss [Docs. 19, 39].

This civil action is also before the Court on plaintiff's Motion to Amend Complaint [Doc. 40]. Defendant has filed no opposition to this motion, and the time for doing so has now passed. *See* E.D.TN. LR 7.1, 7.2. Failure to respond to a motion may be deemed a waiver of any opposition to the relief sought. E.D.TN. LR 7.2.April 12, 2010

In light of the lack of opposition, and for good cause shown, plaintiff's Motion to Amend Complaint [Doc. 40] is **GRANTED**. Plaintiff is **DIRECTED** to file the proposed amended complaint within ten (10) days of entry of this order. Inasmuch as the previously-filed complaints have now been superseded by the amended complaint, defendant

Amerisourcebergen Drug Corporation's Motion to Dismiss the Complaint [Doc. 5] and
Renewed Motion to Dismiss the Amended and Restated Complaint [Doc. 23] are **DENIED**
as moot.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE